

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAMES HALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1328-GMS
	)	
DAVID HOLMAN, Deputy Warden	)	
LAWRENCE McGUIGAN, and	)	
CLYDE SAGERS	)	
	)	
Defendants.	)	

**STATE DEFENDANTS MOTION TO DISMISS/SUMMARY JUDGMENT PURSUANT  
TO RULE 12(b)(6) OF THE  
FEDERAL RULES OF CIVIL PROCEDURE**

COME NOW, the Defendants, David Holman, Lawrence McGuigan and Clyde Sagers by and through undersigned counsel, and hereby respectfully request that this Honorable Court enter an Order, pursuant to Rules 12(b)(1), 12 (b)(6) and 56(c) of the Federal Rules of Civil Procedure, dismissing with prejudice all claims against the Defendants. In support of their motion to dismiss/summary judgment, the Defendants have filed simultaneously herewith a memorandum of points and authorities demonstrating the requested relief.

WHEREFORE, the Defendants respectfully requests that this Honorable Court enter an Order dismissing Plaintiff's claims with prejudice.

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Lisa Barchi  
\_\_\_\_\_  
Lisa Barchi #3927  
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Attorney for State Defendants

Date: December 8, 2005

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DAVID HOLMAN, Deputy Warden	)	
LAWRENCE McGUIGAN, and	)	
CLYDE SAGERS	)	
	)	
Defendants.	)	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, the Motion to Dismiss filed by Defendants David Holman, Lawrence McGuigan and Clyde Sagers in the above-captioned matter having been duly considered, and any opposition thereto,

IT IS ORDERED that the Motion to Dismiss is granted and that judgment is hereby entered in favor of the movant and against the Plaintiff.

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The Honorable Gregory M. Sleet, Judge  
United States District Court

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2005, I electronically filed *Motion to Dismiss* with the Clerk of Court using CM/ECF. I hereby certify that on December 8 2005, I have mailed by United States Postal Service, the document to the following non-registered participant:

James Hall  
SBI # 167581  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ Lisa Barchi  
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